

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

AMERICAN CLOTHING EXPRESS,
INC. D/B/A/ ALLURE BRIDALS
AND JUSTIN ALEXANDER, INC.,

Plaintiffs,

v.

No. 2:20-cv-2007

CLLOUDFLARE, INC. and DOES 1 -
200, inclusive,

Defendants .

ORDER DENYING TEMPORARY RESTRAINING ORDER

This is a copyright infringement case. Before the Court is Plaintiff American Clothing Express, Inc., d/b/a/ Allure Bridals' ("Allure") Motion for Temporary Restraining Order ("TRO") against Defendant Sofiehouse.co ("Sofiehouse.") (ECF No. 80.) For the following reasons, the Motion is DENIED as moot.

Allure and co-plaintiff Justin Alexander make wedding dresses and create images of models wearing the dresses to display on their websites. Sofiehouse displays identical or very similar copies of Plaintiffs' images on its website and sells counterfeits of the photographed wedding dresses. On January 6, 2020, Plaintiffs sued Sofiehouse and 97 other websites engaged in a similar enterprise, alleging copyright

infringement. (ECF No. 1.) On September 29, 2021, the Clerk of Court entered default against Sofiehouse and 92 other Defendants. (ECF No. 62.) On October 18, 2021, the Clerk of Court entered default against Defendant balklanningaroline.net. (ECF No. 66.) On December 6, 2021, Plaintiffs filed a Motion for Default Judgement against the 94 Defendants. (ECF No. 74.) On December 17, 2021, Allure filed a Motion for Temporary Restraining Order against Sofiehouse. (ECF No. 80.) On January 26, 2022, the Court granted the Motion for Default Judgment as to liability against the 94 Defendants, including Sofiehouse. (ECF No. 87.)

A temporary restraining order is an extraordinary remedy limited to preserving the status quo until a hearing can be held. First Tech. Safety Sys., Inc. v. Depinet, 11 F.3d 641, 650 (6th Cir. 1993) (citing Granny Goose Foods, Inc. v. Brotherhood of Teamsters, 415 U.S. 423, 439 (1974)). It is like a preliminary injunction but, as a form of ex parte relief, a temporary restraining order requires a showing of immediate and irreparable injury, and generally lasts no longer than 28 days. Fed. R. Civ. P. 65(b). A preliminary injunction is designed to preserve the relative positions of the parties until a trial on the merits can be held. Univ. of Texas v. Camenisch, 451 U.S. 390, 395 (1981).

Construed as a Motion for Temporary Restraining Order or a Motion for Preliminary Injunction, Allure's Motion is moot.

Default judgment is a final adjudication on the merits. Fed. Rule Civ. P. 54(b); see 10A Charles A. Wright & Arthur R. Miller, Federal Practice and Procedure §2684 (4th ed.) (“When a judgment by default is entered, it generally is treated as a conclusive and final adjudication of the issues necessary to justify the relief awarded and is given the same effect as between the parties as a judgment rendered after a trial on the merits.”). The Court has entered default judgment against Sofiehouse. Because there has been a final decision on the merits, Allure’s Motion is moot.

For the foregoing reasons, Allure’s Motion for Temporary Restraining Order is DENIED as MOOT.

SO ORDERED this 13th day of May, 2022.

/s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE